

WHITEHEAD DECLARATION
EXHIBIT H

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)	
FERNANDO AGUIRRE-URBINA,)	
individually and on behalf of all)	
those similarly situated,)	
Plaintiffs,)	
vs.)	No. 17-cv-05769-RJB
THE GEO GROUP, INC., a Florida)	
corporation,)	
Defendant.)	

Videotaped
Deposition Upon Oral Examination of
MARC A. JOHNSON

2:05 p.m.
Tuesday, December 3, 2019
1019 Regents Blvd., Suite 204
Fircrest, Washington

REPORTED BY: Keri A. Aspelund, RPR, CCR No. 2661

1 MS. MELL: Object to the form.

2 A. Yes.

3 Q. Now, some of the personnel may be different, but
4 in terms of the structure, is that more or less the way
5 that things are today?

6 A. Yes.

7 Q. All right, who's housed at the Northwest
8 Detention Center?

9 MS. MELL: Object to the form.

10 A. Detainees that have been taken into Immigration
11 and Customs Enforcement custody.

12 Q. Are the folks there in any sort of criminal
13 detention?

14 MS. MELL: Object to the form of the question.

15 A. Not to my knowledge.

16 Q. To your knowledge, are they there as punishment?

17 MS. MELL: Object to the form of the question.

18 A. No.

19 Q. Have you or any of your coworkers talked about
20 this lawsuit?

21 A. Yes.

22 Q. Tell me about some of those conversations.

23 A. We talked about that, you know, there is a
24 lawsuit. I've seen some updates in the news and stuff.
25 It's been very brief, nothing -- nothing major.

1 Q. In what way?

2 MS. MELL: Object to the form of the question.

3 A. If -- it would -- it would get done regardless
4 if the detainees did it or not. It's not a mandatory
5 thing.

6 Q. But certainly the work they do helps out?

7 MS. MELL: Object to the form of the question.

8 A. Yes.

9 Q. Now, as a detention officer, do you believe that
10 part of your job is directing the work and providing
11 training and supervision of the detainee workers in the
12 Voluntary Work Program?

13 MS. MELL: Object to the form.

14 A. Yes, it's a collateral job.

15 Q. When you say collateral, what do you mean?

16 A. As a detention officer, we're doing multiple
17 things at once, you know. The main focus is safety and
18 security, but a part of that is, you know, making sure that
19 order is maintained and cleanliness is maintained in the
20 units and other areas wherever you're assigned, so yes.

21 Q. All right. Well, let's take a look at
22 Exhibit-313. Now, at the top there, this appears to be an
23 excerpt from GEO's Policy and Procedure Manual. This is
24 the Chapter: Detainee Services and Program, Title:
25 Voluntary Work Program.

1 giving them guidance.

2 Q. Now, do the detainee workers in the recreation
3 yard have discretion to deviate from the rules,
4 regulations, or guidance, however you want to characterize
5 it, that you're -- you're giving to them?

6 A. I mean, they can -- they can deviate if they
7 want.

8 Q. But there are potentially consequences though if
9 they deviate; is that right?

10 A. Yes.

11 Q. Anything else as it relates to your direction
12 and supervision of detainee workers in the recreation yard?

13 A. No.

14 Q. And now living area and evening workers, I don't
15 know if we should tackle those separately or together, but
16 can you tell me what you've done to direct or supervise
17 detainee workers with respect to living area and evening
18 workers?

19 A. So as a lieutenant for the living area, it's
20 been mostly indirect, just making sure that the units are
21 clean and sanitary. Since laundry is listed under living
22 area, we do indirectly assist the laundry, similar to the
23 kitchen, you know, with movements or investigations for
24 theft or -- and other types of misconduct.

25 And then with regards to the evening workers,

1 the facility janitorial, it's just kind of overseeing, you
2 know, if they're -- the general cleanliness of whatever
3 they're working on, and also like if there's waxing details
4 or stripping the floors.

5 As an officer, I've been directly involved with
6 the living areas, or supervising the cleaning of the
7 workers in the living areas, you know, cleaning up after
8 meals, the servers, going to pick up the meals, and
9 distributing the meals, cleaning up after meals, cleaning
10 up in general.

11 Again, there's a worker job description sheet
12 that explains kind of, you know, different stuff happens at
13 different times during the day, day cleaners, evening
14 cleaners, graveyard cleaners, or night cleaners. For
15 example, they clean the showers at the end of the day when
16 the showers are all done being used.

17 And then as a -- as an officer supervising the
18 evening workers, just being, you know, posted to observe,
19 make sure they're okay, there's no security violations, and
20 also assist them with any supplies they may need or tools.

21 Q. So this sounds like more hands-on supervision
22 and direction on your part?

23 A. As an officer, yes.

24 Q. And is that one of the main distinctions between
25 being a shift supervisor and an officer?

1 A. With regards to cleaning, I mean, it just
2 depends on if I'm assigned that task.

3 As a shift supervisor, you're in charge -- or a
4 lieutenant, you're in charge of the whole building. So,
5 you know, periodically I'll check in, but I can't focus my
6 whole time on that one thing. And then having -- as an
7 officer, you know, I've been assigned to a detail, hey,
8 we're doing this detail, so that was my -- my -- one of my
9 main focuses.

10 As the pod officer, same thing, you know, I'm --
11 I'm in charge of the security and the safety of everyone,
12 but it's that collateral duty to make sure we get the
13 meals, everyone gets a meal, we clean up after the meals.

14 Q. Tell me about the details that you've been
15 assigned with respect to the Voluntary Work Program.

16 A. Like it's mainly just there's a trash pickup at
17 night -- I've primarily worked graveyard shift for my ten
18 years. I did work swing shift, but for the most part, I've
19 been on graveyard.

20 On graveyard they do a trash pickup at night.
21 The units place the trash in trash bags outside the unit,
22 and then detainees go around and pick it up and collect it
23 by the loading dock. So we've supervised the movement.
24 Sometimes they have to take an elevator, which you have to
25 ride escorted.

1 And then we -- we do -- they wax the floors,
2 they'll sweep and mop the floor, and then they'll also wax
3 or strip, you know, remove the previous floor shine and
4 apply new floor shine or wax, whatever you call it.

5 Q. The floor waxing, buffing, shining, stripping, I
6 mean, does that primarily occur at night?

7 A. Yeah.

8 Q. And the workers, the detainee workers that do
9 that work, do they have previous experience with the
10 buffing, stripping, waxing the floors?

11 A. Some have told me that they to.

12 Q. Is that something then that GEO trains those
13 workers on if they don't have prior experience?

14 A. Yes.

15 Q. And of course GEO's providing the equipment to
16 do that work?

17 A. Yes.

18 Q. And the cleaning materials and solutions that
19 they'll need to also carry out that work?

20 A. Mm-hm. Yes.

21 Q. And are you directing them in terms of where in
22 the facility to do the buffing, stripping, waxing, shining?

23 A. Yes.

24 MS. MELL: Counsel, could I interrupt for a
25 minute? I'm getting a notification about arrangements for

1 Q. Well, have you directed or supervised detainee
2 workers as they paint in the facility?

3 A. Yes.

4 Q. Tell me more about that.

5 A. Similar to the other job duties, just making
6 sure they have the equipment, and they're -- they're okay
7 and safe, and following the rules, and painting in the
8 appropriate areas and stuff.

9 Q. Now, this painting, is it touch-up paint, or is
10 it, you know, painting walls in corridors?

11 A. It could be both. Sometimes it's just touch up,
12 and sometimes it's repainting a whole area.

13 Q. Along the gray mile?

14 A. Correct, or other areas.

15 Q. In the pods?

16 A. Yes.

17 Q. Anywhere else?

18 A. Intake, the booking area.

19 Q. So in terms of how long that painting takes, I
20 suppose it can vary depending on how large the job is?

21 A. Yes.

22 Q. Are you able to give me a range for how long the
23 painting might take?

24 A. I've seen it take two hours to sometimes four
25 hours.

1 Q. Now, with respect to the painting, is GEO
2 training the detainee workers on proper painting technique?

3 A. Yeah, similar to the other jobs.

4 Q. What about the -- the buffing, waxing, and
5 stripping of the floors, how long does that typically take?

6 A. It can take -- again, it varies. It can take
7 two hours to, you know, four or five hours.

8 Q. And it just depends on how much, you know,
9 buffing, waxing, and stripping, you know, how much ground
10 essentially they've got to cover?

11 MS. MELL: Object to the form.

12 A. Yes.

13 Q. And they, of course, being the detainee workers?

14 A. Yes.

15 I've also seen it where the detainees, you know,
16 they -- they're motivated to -- to do more, you know, or go
17 longer than one would reasonably expect to complete it.

18 Q. And what do you take from that?

19 A. That they enjoy the work there, they're
20 motivated, and you know, it's kind of self-driven.

21 Q. Do these workers that are self-driven and do a
22 good job, do they make more money?

23 A. No.

24 Q. Is there an opportunity for them to make more
25 money as, you know, stellar performers?

1 A. No.

2 Q. And the murals, there are murals along the gray
3 mile?

4 A. Yes.

5 Q. Were those painted by detainee workers?

6 A. Yes.

7 Q. Was that at GEO's direction?

8 A. No.

9 Q. Do you know how those murals came to be?

10 A. GEO submitted a request to the detainees to see
11 if anyone wanted to paint the murals, and several detainees
12 submitted their interest, and I believe they had to submit
13 artwork submissions showing their skill set.

14 Q. So an interview of sorts?

15 MS. MELL: Object to the form of the question,
16 mischaracterizes the testimony.

17 A. No.

18 Q. All right, so we talked about your role in
19 directing or supervising work with respect to the kitchen,
20 recreation/barber, living area, evening workers, and
21 laundry.

22 Did I get that right?

23 A. Yes.

24 Q. Now, what role, if any, does ICE play in the
25 direction and supervision of workers in those same job

1 cleared medically or approved medically. I can't speak to
2 how it happens.

3 Q. Well, on either front, whether it be the number
4 of kitchen workers or medical clearance, can you point me
5 to a specific policy related to ICE's involvement in the
6 direction and supervision of workers?

7 A. I don't have it offhand. I believe it's in
8 their PBNDS.

9 Q. Now, this is the Performance-Based National
10 Detention Standards?

11 A. Yes.

12 Q. And it's your understanding, of course, that GEO
13 has to comply with the PBNDS; correct?

14 A. Yes.

15 Q. And part of that compliance is making sure that
16 GEO and its personnel are supervising and directing
17 immigration detainees consistent with the PBNDS?

18 MS. MELL: Object to the form of the question.

19 A. Yes.

20 Q. All right, so other than your belief that ICE
21 mandates the number of kitchen workers and has a role in
22 medical clearance, are you aware of any other way in which
23 ICE directs and supervises kitchen workers?

24 A. No.

25 Q. Do you know whether or not there is an ICE

1 officer or personnel stationed in the kitchen?

2 A. I don't understand the question.

3 Q. Well, I understand from my deposition of Mr.

4 Delacruz that there are a number of GEO personnel in the

5 kitchen. My question to you is, do you know whether or not

6 there is ICE personnel stationed inside the kitchen?

7 A. Yeah, it's the station part. I mean, I know ICE

8 visits the kitchen, but I -- I don't believe they're

9 stationed there.

10 Q. And when you say visits, what do you mean?

11 A. There's a Detention Standards Manager Howard.

12 He visits the kitchen to ensure compliance with the

13 Performance-Based National Detention Standards.

14 Q. Do you know how often Howard makes his rounds in

15 the kitchen?

16 A. I do not, no.

17 Q. And do you know whether or not Howard, in his

18 role, is it limited to just the kitchen, or is it

19 facilitywide?

20 A. It's the whole facility.

21 Q. And I'm sorry, Howard's title again was?

22 A. Is the DSM, it's an acronym for detention

23 standards manager, I believe.

24 Q. And it's your belief that he is an ICE employee?

25 A. Yes.

1 Q. Okay. How many detention standards managers
2 work or are stationed at the Northwest Detention Center?

3 A. One.

4 Q. Big picture, how many ICE personnel are
5 stationed at the Northwest Detention Center?

6 MS. MELL: Object to the form.

7 A. I don't know.

8 Q. If you had to guess?

9 MS. MELL: No, don't guess.

10 Q. I'm looking for a ballpark.

11 Is it more than five?

12 A. I would imagine so, but I don't know for sure.

13 Q. Well, in your ten years of experience there,
14 both as a detention officer and as a lieutenant, can you
15 tell me the names of other ICE personnel that have been
16 stationed at the Northwest Detention Center?

17 A. Yes.

18 Q. Who?

19 A. Arroyo -- oh, man, on the spot here, let's
20 see -- Renner, Rukhstruhl, Muirhead. I mean, there's more,
21 I'm just -- I can't recall offhand.

22 Q. And where within the facility -- let me back up.

23 The people that you just named, do they have
24 offices within the facility?

25 A. Yes.

1 Q. Are they clustered together, or are they
2 sprinkled throughout?

3 A. They're all together.

4 Q. Where?

5 A. It's on the second floor of the administration
6 building.

7 Q. Is that the only location?

8 A. At the Northwest Detention Center, yes.

9 Q. And the five people total that you mentioned,
10 and I understand that you said there may be more, are they
11 all currently employed, or are you just thinking about the
12 span of your ten-year career with GEO?

13 A. I believe they're currently employed.

14 Q. And of the names that you mentioned, I'm sorry,
15 was it Howard, is that the first name or last name for the
16 detention standards manager?

17 A. That's the last name.

18 Q. All right, so the detention standards manager
19 you mentioned is someone that you believe is responsible
20 for ensuring that GEO's in compliance with the PBNDS. Do
21 you have any insights or understandings about the roles of
22 the other people that you named?

23 A. I believe some of them are like deportation
24 officers or supervisory deportation officers.

25 Q. Do you have any other insights into what their

1 roles are?

2 A. No.

3 Q. And so it sounds like Detention Standards
4 Manager Howard is different than the other four that you
5 mentioned by name, is that fair to say, in terms of his
6 role at the facility?

7 A. Yes.

8 Q. Okay. And then on Detention Standards Manager
9 Howard's visits to the kitchen, you believe that he may
10 offer direction and supervision to the detention -- or to
11 the detainees?

12 A. No.

13 Q. Is there anything else that you can think of in
14 terms of ICE's involvement with the supervision and
15 direction of detainee workers in the kitchen?

16 A. No.

17 Q. Now, we can do the same thing for the other
18 categories, recreation/barber, living area, evening
19 workers, laundry, in terms of ICE's involvement, but before
20 we do that, my question to you is, would your answer be any
21 different than what you've just described to me about ICE's
22 involvement in the kitchen?

23 A. No, it -- it would be the same. DSM Howard's in
24 charge of, you know, the whole building, so
25 responsibilities for all the areas, including these, and

1 you know, it's overseen by ICE.

2 Q. So how often would -- or are ICE personnel in
3 the pods, for example?

4 A. I believe they come around once a week to do
5 visits with the detainees, and then I'm not sure if the --
6 they do what's called a kite pickup. I think they have to
7 do that every day, Monday through Friday.

8 Q. In that way, would you call ICE's involvement
9 more administrative, if they're picking up kites, and
10 detention visits are related to immigration status; is that
11 a fair characterization?

12 MS. MELL: Object to the form of the question,
13 fairness is not relevant, nor is his opinion.

14 A. What was the question?

15 Q. Yeah, and I got a little lost in the objection
16 too. I do want to hear your opinion. I mean, you've
17 worked there for ten years, so you're going to know better
18 than myself and even Counsel about what takes place at the
19 facility.

20 My question is whether or not you view ICE's
21 role and involvement there as more administrative in
22 nature?

23 MS. MELL: Object to the form of the question.

24 A. No.

25 Q. What would you call it?

1 MS. MELL: Again, object to the form.

2 A. I mean, they're, you know -- it's -- it's -- ICE
3 is -- ICE is the client. They -- they say what goes. So,
4 you know, I've seen detainees appeal to ICE to have stuff
5 changed, and they've done that, or ICE has mandated
6 changes, you know.

7 Q. Do you believe though that GEO handles more of
8 the day-to-day hands-on work of the facility?

9 MS. MELL: Object to the form of the question.

10 A. I mean, yeah.

11 Q. And that includes the direction and supervision
12 of the detainees and the detainee workers --

13 MS. MELL: Object --

14 Q. -- correct?

15 MS. MELL: Object to the form of the question.

16 A. According to the PBNDS.

17 Q. That's GEO's role, to do the hands-on work of
18 managing the detainees, including the detainee work?

19 MS. MELL: Object to the form of the question.

20 A. Yes.

21 Q. Now, how is it that detainees are assigned to
22 work in the VWP?

23 A. I don't under -- the BWP?

24 Q. The VWP?

25 A. Oh, sorry, the Voluntary Work Program?

1 Q. That's GEO personnel; correct?

2 A. Correct.

3 Q. Is there a line on this form for ICE to sign off
4 on?

5 A. No.

6 Q. Let's look at the fourth item there at the top.

7 It reads, "Unexcused absence, unsatisfactory work

8 performance, or participation in a serious infraction, e.g.

9 fighting, is cause for removal from a work assignment."

10 Did I read that correctly?

11 A. Yes.

12 Q. Is that statement true?

13 A. Yes.

14 Q. Now, who initiates the process for removal from
15 a work assignment, is that ICE or GEO?

16 A. It could be either.

17 Q. Tell me about a time that ICE initiated the
18 removal process.

19 A. I can't think of any offhand.

20 Q. In your ten years of experience at the Northwest
21 Detention Center, you can't think of a single instance in
22 which ICE initiated the removal of a detainee worker from a
23 work assignment?

24 MS. MELL: Object to the form.

25 A. Like I said, I can't recall.

1 Q. Let's look at the sixth item there on
2 Exhibit-314, the Volunteer Work Program Agreement. It
3 reads, "Detainees must adhere to all safety regulations and
4 to all medical and grooming standards associated with a
5 work assignment."

6 Did I read that correctly?

7 A. Yes.

8 Q. Does GEO work to ensure that detainee workers
9 are complying with safety regulations and medical and
10 grooming requirements?

11 A. Yes.

12 Q. That's part of the job of a detention officer;
13 correct?

14 MS. MELL: Object to the form.

15 A. Yes.

16 Q. And that eighth item there says "Primary factors
17 that impact hiring are classification level, attitude,
18 behavior, and physical ability to perform the job."

19 Did I read that correctly?

20 A. Yes.

21 Q. From that sentence, is it safe to assume that
22 GEO has some discretion in who to hire?

23 MS. MELL: Object to the form.

24 A. No.

25 Q. How do you interpret that sentence?

1 MS. MELL: Object to the form.

2 A. Well, it lists the -- the certain things, but it
3 says they impact not that they will affect, they just
4 impact it.

5 Q. And do you see a distinction between impact
6 versus affect?

7 A. Yes.

8 Q. Tell me, what is that distinction?

9 A. If it had an effect, I would interpret that to
10 be we could pick and choose who we wanted, whereas this
11 just says it will have an impact.

12 From what I understand, the worker -- once you
13 submit a request to be a worker, you go on a waiting list,
14 and GEO can't jump around on the list; it's first in, first
15 out, so to speak.

16 Q. Now, there's a black bar towards the end, and I
17 redacted out someone's name there, but if you look above
18 that black bar, the last sentence of that paragraph, right
19 above it, it reads, "We thank you for your important
20 contribution to maintaining this facility."

21 Did I read that correctly?

22 A. Yes.

23 Q. Do you believe that the detainee workers make an
24 important contribution to maintaining the Northwest
25 Detention Center?

1 MS. MELL: Object to the form of the question.

2 A. Yes.

3 MR. WHITEHEAD: All right, let's take a break.

4 THE VIDEOGRAPHER: This is the end of media one.

5 This deposition will continue on media two. The time is

6 3:13. Going off the record.

7 (Recess at 3:13 p.m.)

8 (Reconvened at 3:23 p.m.)

9 THE VIDEOGRAPHER: Back on the record. This is
10 the beginning of media two to the deposition of Marc
11 Johnson. The time is approximately 3:23.

12 Q. Do the various work assignments for the detainee
13 workers have job descriptions?

14 A. Yes.

15 Q. Let's take a look at Exhibit-315.

16 And you've just been handed Exhibit-315, and
17 these are various detainee job descriptions. The
18 descriptions are undated, but do these look familiar to
19 you?

20 A. Yes.

21 Q. I'd like to go through each of these and talk
22 about GEO's level of control over the detainee workers in
23 each of the job descriptions here.

24 So let's start with the first page; have you
25 supervised barbers in the barbershop ever?

1 A. No.

2 Q. Based on what you know about directing and
3 supervising detainee work at the Northwest Detention
4 Center, would it be your expectation that detainee workers
5 in the barbershop follow the specific work duties outlined
6 on the job description?

7 MS. MELL: Object to the form of the question.

8 A. Yes.

9 Q. Now, do detainee workers have the discretion to
10 deviate from their specific work duties?

11 MS. MELL: Object to the form.

12 A. No.

13 Q. For example, looking at this job description
14 here on the first page of Exhibit-315, it instructs
15 barbers, it says "Towels will not be used." Looks to be
16 the fifth bullet down.

17 Do you see that?

18 A. Yes.

19 Q. For example, could a detainee use towels even
20 though the job description says not to?

21 A. I believe they could try, but the staff would
22 intervene and not allow it.

23 Q. In that way, staff is supervising the detainee
24 workers to ensure that they're complying with their job
25 duties?

1 MS. MELL: Object to the form of the question.

2 A. Yes.

3 Q. And GEO provides the barbers, in this case, with
4 the equipment they need to do their jobs?

5 A. Yes.

6 Q. And there's no expectation that the detainee
7 workers, you know, bring their own equipment to the
8 barbershop; correct?

9 A. No.

10 Q. In fact, they'd be prohibited from doing so?

11 MS. MELL: Object to the form.

12 A. Correct.

13 Q. Now, if a barber has preexisting skill as a
14 barber, is there an opportunity for them to make more?

15 A. No.

16 Q. Can they earn more money if they do a complex
17 haircut or hairstyle?

18 A. No.

19 Q. Are there GEO barbers at the Northwest Detention
20 Center?

21 A. I don't understand the question.

22 Q. Are there -- is there GEO personnel that's
23 responsible for or that also cuts hair at the Northwest
24 Detention Center?

25 A. No.

1 Q. If the detainees did not work as barbers, who
2 would cut hair?

3 MS. MELL: Object to the form.

4 A. I don't know.

5 Q. GEO would have to hire someone; is that a safe
6 assumption?

7 MS. MELL: Object to the form of the question.

8 A. I'm not sure.

9 Q. Now, let's look at the next page, page 2 of
10 Exhibit-315. This is a job description for barbershop
11 cleaner. Now, the first bullet there under the specific
12 work duties instructs detainee workers to spray liberally
13 the clippers with H42 cleaner.

14 Do you see that?

15 A. Yes.

16 Q. Could a detainee worker use a different type of
17 cleaner if they wanted to?

18 A. No.

19 Q. And GEO provides the barbershop cleaners with
20 the cleaning materials that they need to do their job;
21 correct?

22 A. Yes.

23 Q. Provides them with the training on the safety
24 regulations that they need to do the job as well?

25 A. Yes.

1 MS. MELL: Counsel, I just realized that I don't
2 see continuing Bate -- Bates numbers on these pages, and I
3 thought you represented this was from the discovery.

4 MR. WHITEHEAD: It is. This is from GEO's
5 production. I'm not quite sure why the Bates numbers did
6 not print. I believe it's just one of the radio buttons
7 didn't get checked off when printing this from our document
8 management system.

9 MS. MELL: But it's not -- this isn't the Bates
10 number down here?

11 MR. WHITEHEAD: No, it's not.

12 Yeah, I don't know why, if it was just a matter
13 of it getting cut off, but I will represent for the record
14 that Exhibit-315 came from GEO's production. And if you'd
15 like, after the fact I could find the specific Bate
16 numbers -- Bates numbers that are represented here in the
17 document.

18 MS. MELL: Okay, thank you.

19 MR. WHITEHEAD: Of course.

20 Q. All right, with the barbershop cleaners, could
21 they decide on their own that they would like to clean the
22 clippers, for example, in the yard or a different part of
23 the facility outside of the barbershop?

24 A. No.

25 Q. Could the barbershop cleaners make more money if

1 they were efficient or good at their job in cleaning the
2 barbershop?

3 A. No.

4 Q. Have you ever had a detainee worker ask for a
5 raise?

6 A. No.

7 Q. Have you ever sought authorization to pay a
8 detainee worker more than a dollar a day for their work?

9 A. No.

10 Q. With the barbers, could they make more money if
11 they cut more heads in the barbershop?

12 MS. MELL: I hope they aren't cutting heads;
13 more hair of heads -- on heads?

14 A. No.

15 Q. They couldn't charge per haircut, for example?

16 A. No, it's a flat rate.

17 Q. Of a dollar a day?

18 A. Correct.

19 Q. Let's look at page 3 of Exhibit-315. This one
20 is a job description, job title Medical Cleaning. Here
21 again, this job description lists specific duties.

22 Do you see that?

23 A. Yes.

24 Q. And do detainee workers have discretion to mop
25 other than the designated areas for medical?

1 A. No.

2 Q. Part of their job is to remove trash and replace
3 with new liners. That's item 6 there. GEO provides those
4 liners; is that correct?

5 A. Yes.

6 Q. And GEO provides the equipment they need to do
7 the cleaning?

8 A. Yes.

9 Q. As well as the cleaning solution?

10 A. Yes.

11 Q. GEO provides the medical cleaners on proper
12 sanitation and safety as it relates to their job; correct?

13 MS. MELL: Object to the form of the question.

14 A. Yes.

15 Q. Now, there's a bottom section there entitled
16 Termination.

17 Do you see that?

18 A. Yes.

19 Q. Do you agree that failure to follow staff
20 instructions could lead to termination of a detainee
21 worker?

22 A. Yes.

23 Q. Do you agree that failure to follow safety
24 procedures could lead to termination of a detainee worker?

25 A. Yes.

1 Q. Excessive absenteeism?

2 A. Yes.

3 Q. Misconduct and horseplay?

4 A. Yes.

5 Q. Theft?

6 A. Yes.

7 Q. Unsatisfactory work performance?

8 A. Yes.

9 Q. Now, in each of those instances, would it be GEO
10 that initiates the termination or disciplinary proceedings
11 against the detainee worker?

12 A. It depends.

13 Q. What does it depend on?

14 A. I mean, the reason.

15 Q. Well, my question drives more at who the actor
16 is that would initiate the proceedings; is it GEO or
17 someone else?

18 A. A majority of the time it would be GEO.

19 Q. And if not GEO, who?

20 A. It could be ICE.

21 Q. And if I remember from earlier, you said that
22 you cannot think of a time in which ICE initiated
23 termination or discipline against a Voluntary Work Program
24 participant; did I get that right?

25 A. Not specifically, no.

1 Q. Not specifically.

2 You can't recall specifically you're saying?

3 A. Correct.

4 Q. Again, working with Exhibit-315, let's look at
5 page 4. This is a job description for job title General
6 Worker. Now, the specific work duties there, are those
7 consistent with your understanding of what this job
8 entails?

9 A. Yes.

10 Q. And again, as it relates to those work duties,
11 the detainees -- the -- strike that.

12 As it relates to those specific job duties, it's
13 the case that the detainee workers may not deviate from
14 their specific duties and responsibilities; correct?

15 A. Correct.

16 Q. And here again, GEO provides the equipment they
17 need to do their job?

18 A. Yes.

19 Q. GEO provides the training they need to do their
20 job?

21 A. Yes.

22 Q. GEO supervises them to ensure that they're
23 complying with GEO's policies and regulations; correct?

24 A. Correct.

25 Q. Now, with the general workers, is there an

1 opportunity for them to earn more money if they're good
2 workers?

3 A. No.

4 Q. They get paid regardless of whether or not they
5 have -- the same -- excuse me.

6 They get paid the same regardless of whether
7 they have prior experience in the janitorial industry;
8 correct?

9 A. Yes.

10 Q. Let's look at the bottom here of page 4. Again
11 we see the Termination heading.

12 Do you agree that failure to follow staff
13 instructions could lead to the termination of general
14 workers --

15 A. Yes.

16 MS. MELL: I just object to the omission of CSC
17 in that phrase. We're still dealing with CSC policy it
18 looks like.

19 Q. No, my question was different, you know, my
20 question is exactly what I asked.

21 Failure to follow GEO staff instructions, could
22 that lead to a detainee worker's termination from their job
23 assignment?

24 A. Yes.

25 Q. And that's true of -- of any detainee worker

1 job; correct?

2 A. Yes.

3 Q. Excessive absenteeism, that could lead to
4 termination; correct?

5 A. Yes.

6 Q. Misconduct and horseplay?

7 A. Yes.

8 Q. Theft?

9 A. Yes.

10 Q. And unsatisfactory work performance?

11 A. Yes.

12 Q. Let's look at the next page, page 5. This one
13 is for Laundry Worker is the title of the job description.

14 Now, the specific work duties here listed, are
15 those consistent with your understanding of what the
16 laundry worker job entails?

17 A. Yes.

18 Q. Do the detainee workers, the laundry workers,
19 have discretion to deviate from these specific work duties?

20 A. No.

21 Q. And GEO supervises them to ensure that they're
22 complying with their work duties?

23 A. Yes.

24 Q. GEO provides them with the training they need to
25 do their job?

1 A. Yes.

2 Q. And the equipment they need to do their job?

3 A. Yes.

4 Q. And the detainee laundry workers have no
5 opportunity to earn more money if they're good at their job
6 or do more work; correct?

7 A. Correct.

8 Q. To your knowledge, can the detainee workers seek
9 employment outside the Northwest Detention Center?

10 A. Not while they're being detained by immigration.

11 Q. Can detainee workers earn overtime?

12 MS. MELL: Object to the form.

13 A. No.

14 Q. Do detainee workers that aren't very good at
15 their job make less money?

16 A. No.

17 Q. How many janitors are employed by GEO right now?

18 A. Right now, I believe two.

19 Q. And over your decade with GEO, has it been more
20 or less two janitors that work at the facility?

21 A. I believe it's normally three. They have had I
22 think sometimes four.

23 Q. The janitors, where do they clean?

24 A. Primarily the unsecured areas.

25 Q. In other words, they clean the areas that the

1 detainees don't have access to?

2 A. Yes.

3 Q. Do the janitors clean any of the secured areas?

4 A. I believe the medical administration offices is
5 the only place on the secured side.

6 Q. And is that because the medical administration
7 office is a secured area?

8 A. Right, it's like restricted. Medical would be
9 considered a secured area as well, but --

10 Q. There's heightened restrictions for the admin
11 office?

12 A. Right.

13 Q. How big is the Northwest Detention Center, if
14 you know, in terms of square footage?

15 A. I don't know.

16 Q. It's pretty big though?

17 A. It's a large -- large building, couple
18 buildings.

19 Q. What is a pod porter?

20 A. A pod porter is like a detainee worker that
21 works in their housing unit, their assigned housing unit.

22 Q. Let's take a look at Exhibit-316, please.

23 You're looking at Exhibit-316. It's titled
24 Northwest Detention Center Pod Porter Job Descriptions.

25 Have you seen this document before?

1 MS. MELL: Object to the form.

2 A. -- I should have said no.

3 Q. Now, looking at the Pod Porter Job Descriptions,
4 on the back of the form here I see a line for the
5 detainee's name as well as the detainee's signature; is
6 that right?

7 A. Yes.

8 Q. And then it references offices -- officer's
9 signature.

10 Who is the officer referenced there?

11 A. The GEO officer.

12 Q. Is there a spot anywhere on this form where ICE
13 is expected to sign off?

14 A. No.

15 Q. Does ICE play any role in where detainees are
16 assigned to work?

17 A. Not that I know of.

18 Q. Let's take a look at Exhibit-309.

19 What are we looking at here at Exhibit-309?

20 A. This is a daily pod worker list.

21 Q. As you flip through, it's not just the pods,
22 there's references to laundry and kitchen as well.

23 A. Oh, okay. So yeah, it looks like it's the -- a
24 facility worker list.

25 Q. Now, is this a document or something like this

1 A. I'm sorry, repeat the question.

2 Q. Well, let me try and put it into context.

3 So looking at Exhibit-308, if you look at the
4 top there --

5 A. Mm-hm.

6 Q. -- that last bullet, it says "By detainee
7 signature staff is affirming that the following have been
8 evaluated and met acceptable standards: the job was
9 completed, detainee maintained a good attitude, and the
10 detainee began work on time."

11 So my question is, is it the detention officer
12 that decides whether or not a detainee worker may actually
13 sign this form?

14 A. No.

15 Q. Let me try one -- one more time.

16 If a detainee hasn't performed their work to a
17 satisfactory fashion, could a detention officer say, No,
18 you don't get to sign the worker pay sheet today?

19 A. Yes.

20 Q. Does that happen?

21 A. Yes.

22 Q. Give me an example of a time when that would
23 happen or has happened?

24 A. If they aren't cleaning the showers good, I --
25 you know, not scrubbing correctly, cleaning them, you know,

1 or they try and do it too quickly, like two minutes, and
2 then sign, I want to be done.

3 Q. Can you tell me about another time?

4 A. If they just, you know, refuse to get up for
5 their shift or clean.

6 Q. They don't get paid?

7 A. They don't get paid, and they could potentially
8 lose their job.

9 Q. What are IDP sanctions?

10 A. That's a disciplinary hearing.

11 Q. And IDP, what does that stand for?

12 A. I believe it stands for Institutional
13 Disciplinary Panel.

14 Q. Who is on that panel?

15 And you can give me titles if you don't know
16 names.

17 A. I believe it's the restricted housing unit
18 lieutenant and an ICE officer or supervisor, ICE
19 supervisor.

20 Q. Anybody else?

21 A. Just those two people.

22 Q. What is a UDC hearing?

23 A. I believe it stands for a Unit Disciplinary
24 Committee.

25 Q. Who is on the Unit Disciplinary Committee?

1 A. Just a -- a sup -- I believe it's any
2 supervisor, sergeant or lieutenant, or it may just be a
3 lieutenant.

4 Q. So what's the difference between IDP and UDC?

5 A. The UDC is like a lower level infraction, an IDP
6 is for a more serious infraction.

7 Q. Can you give me an example of a more serious
8 infraction that would go to IDP?

9 A. So for fighting, two people fighting would go to
10 an IDP, whereas like a simple theft would just be a UDC.

11 Q. What about poor performance in the Voluntary
12 Work Program, would that be UDC or IDP?

13 A. You don't get written up for a poor performance.

14 Q. Now, the UDC determinations, to your knowledge,
15 do those go to ICE at any point?

16 A. I don't believe they do. They go in your
17 detainee file.

18 Q. And the IDP proceedings, ICE is a part of it?

19 A. Correct.

20 Q. As a detention officer, do you take attendance
21 for the detainee workers that are under your -- your
22 charge?

23 A. Yeah, I would verify when they're supposed to
24 work and did they complete the work satisfactorily.

25 Q. And that's -- is that back to the worker pay

1

C-E-R-T-I-F-I-C-A-T-E

2

3 STATE OF WASHINGTON)

4) ss.

5 COUNTY OF THURSTON)

6

7 I, the undersigned Registered Professional
8 Reporter and Certified Court Reporter, hereby
9 certify that the foregoing deposition upon oral
10 examination was taken stenographically before me and
11 transcribed under my direction;

9

10 That the witness was duly sworn by me,
11 pursuant to RCW 5.28.010, to testify truthfully; that the
12 transcript of the deposition is a full, true, and correct
13 transcript to the best of my ability; that I am neither
14 attorney for, nor a relative or employee of, any of the
15 parties to the action or any attorney or counsel employed
16 by the parties hereto, nor financially interested in its
17 outcome.

14

15 I further certify that in accordance with CR
16 30(e), the witness was given the opportunity to examine,
17 read, and sign the deposition, within 30 days, upon its
18 completion and submission, unless waiver of signature was
19 indicated in the record.

18

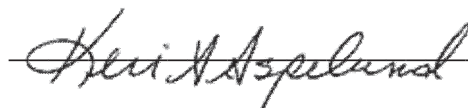
19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 10th day of December, 2019.

20

21

22

23



24

NCRA Registered Professional Reporter
Washington Certified Court Reporter No. 2661

25